

Nov 08, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LANCELOT AMOO,

Plaintiff,

v.

NATIONAL COUNCIL OF
EXAMINERS FOR ENGINEERS
AND SURVEYORS,

Defendants.

No. 2:17-CV-0243-SMJ

ORDER DISMISSING COMPLAINT

Plaintiff Lancelot Amoo filed his complaint in this case on June 26, 2017. ECF No. 2. Magistrate Judge Rodgers allowed Plaintiff to proceed *in forma pauperis* since he lacked sufficient funds to prosecute this case. ECF No. 3. However, Magistrate Judge Rodgers also notified Plaintiff that his Complaint would be reviewed for legal sufficiency. *Id.* Indeed, courts are obligated to dismiss cases proceeding *in forma pauperis* if and when they determine that such a case is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B)(i)–(iii); *see also Lavelle v. Lavelle*, No. CV-07-039-RHW, 2007

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1 WL 4418170 at *1 (E.D. Wash. Dec. 14, 2007) (citing *Lopez v. Smith*, 203 F.3d
2 1122, 1126–27 n.7 (9th Cir. 2000)).

3 Plaintiff filed an amended complaint on July 10, 2017. ECF No. 5. Plaintiff
4 alleges that the defendants, National Counsel of Examiners for Engineering and
5 Surveying (NCEES), have deprived him of his Engineer-in-Training Certificate on
6 six occasions by “rigging” his exams. ECF No. 5 at 4. He also alleges that
7 Defendants hacked into his computer, causing him loss of income and
8 psychological pain and suffering. *Id.* at 5. Plaintiff also seeks punitive damages in
9 the amount of \$539,000. *Id.* Plaintiff does not state the legal basis for his claim in
10 his complaint. Although Plaintiff does not state the legal basis for these claims in
11 her amended complaint, in her initial complaint she alleged that some of these
12 actions violated the Civil Rights Act. ECF No. 2 at 5.

13 Plaintiff’s complaint fails to state a claim and is legally frivolous. Under
14 Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a “short and plain
15 statement of the claim showing that the pleader is entitled to relief.” To meet this
16 standard a complaint must allege “enough facts to state a claim to relief that is
17 plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A
18 claim frivolous when it lacks an arguable basis either in law or in fact. *Neitzke v.*
19 *Williams*, 490 U.S. 319, 325 (1989). Plaintiff here fails to state a plausible legal or
20 factual basis for a claim. Accordingly, Plaintiff’s complaint is dismissed.

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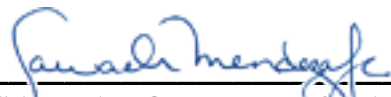
Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff Lancelot Amoo's claims are **DISMISSED WITHOUT PREJUDICE.**

2. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to pro se plaintiff.

DATED this 8th day of November 2017.



SALVADOR MENDOZA, JR.
United States District Judge